No. 884 33

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1966.

UNITED MINE WORKERS OF AMERICA, DISTRICT 12,
Petitioner,

v.

ILLINOIS STATE BAR ASSOCIATION et al.,
Respondents.

On Petition for a Writ of Certiorari to the Supreme Court of the State of Illinois.

BRIEF OF RESPONDENTS IN OPPOSITION.

BERNARD H. BERTRAND,
234 Collinsville Avenue,
East St. Louis, Illinois 62201,
Attorney for Respondents.

St. Louis Law Printing Co., Inc., 411-15 N. Eighth St., 63101. CEntral 1-4477.

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Cases Cited.

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OPINIONS BELOW.

The opinion of the Illinois Supreme Court (Pet. A. pp. 2a-13a and R. pp. 9-18), is reported in 35 Ill. 2d 112, 219 N. E. 2d 503 (1966). No written opinion was rendered by the trial court.

CONSTITUTIONAL, STATUTORY PROVISIONS, AND CANONS OF ETHICS INVOLVED.

Pertinent constitutional provisions involved consist of the First and Fourteenth Amendments to the Constitution of the United States (Pet. p. 20a); Canons of Ethics of the Illinois State Bar Association (Pet. p. 21a); Illinois Workmen's Compensation Act, Illinois Revised Statutes, 1959, Sec. 138.1-28; Sec. 138.16 (Res. A. p. 21), Sec. 138.19 (1) (2) (Res. A. p. 21-22).

STATEMENT.

The respondents, in general, accept the statement submitted by the Petitioners. However, certain omissions and misstatements appear which require clarification. The Petitioners omitted from their recitation (Pet. pp. 5-6) the fact that at the time the mineworkers' Motion for Summary Decree was before the trial court for decision, an earlier filed Motion for Summary Judgment by the Bar Association Respondents was also under consideration (R. 3 pp. 27-30). The court's order reflected a consideration of both motions and made findings of fact and conclusions of law favorable to the Bar Association Respondents (R. 3 pp. 30-32).

In Petitioner's discussion of the facts they failed to call to the court's attention all of the interrogatories and answers thereto, referring only to an isolated few (Pet. pp. 6-10). As in the Supreme Court of Illinois, because of the limited reference to some answers, it is hereby necessary to direct this court's attention to our additional abstract (R. 7 pp. 37-46). Also, the Respondent's reference to the deposition of Stuart Traynor is a small excerpt thereof (Pet. p. 7), whereas, the complete deposition appears in the additional abstract, which had to be filed in order to permit the Illinois Supreme Court to consider the appeal in its entirety (R. 7 pp. 1-36). A careful reading of both abstracts filed in the State Court would be most helpful to this Court in understanding all the facts of this case.

ARGUMENT.

I. The decision below is clearly correct.

It is basic to this court's consideration of the Petition that it review the long history of Illinois Supreme Court pronouncements as to what constitutes the unauthorized practice of law within the State of Illinois. The **Illinois Mineworkers** Opinion (Pet. A. pp. 5a-7a) and the appellee's brief (Supp. R. 2, pp. 19-25) fully develop the court-announced concept of unauthorized practice of law in Illinois by unincorporated associations. This problem is not new, nor is it prospective with the Illinois Court or the organized bar of the State of Illinois. The Committee on Unauthorized Practice of the State Bar for many years has considered these problems, including the salaried lawyer arrangement of the United Mine Workers, District 12, and has taken court action in stopping such practices (Supp. R. 2, pp. 19-25).

This question of representation of union members by preselected attorneys was not new to the Illinois Supreme Court when the mine workers suit was initiated. As far back as May 23, 1958, the Illinois Supreme Court handed down its opinion in the **Illinois Brotherhood** case, 13 Ill. 2d 391, 150 N. E. 2d 163, for the convenience of the Court reported in full in the appendix to this Brief (Res. A. pp. 13-20). While condemning the financial pay-back by the attorney to the union out of fees collected, that court readily recognized the right of the union to recommend to its members generally, and, to injured members or their survivors, in particular, **first**: the advisability of obtaining legal advice before making a settlement; and **second**: the names of attorneys who, in its opinion, have the capacity to handle such claims successfully (Res. A. p. 19).

Immediately following this pronouncement by our court, the Illinois State Bar Association Unauthorized Practice of Law Committee, in meetings held with the mineworkers representatives, urged that union to desist from its salaried lawyer arrangement and follow the guidelines of recommendation of legal counsel approved by the Illinois Court in its **Brotherhood** case. In 1964, after all reasonable efforts failed, the Bar Association, acting through its committee, with reluctance initiated the present litigation. Throughout the course of the litigation, at every appearance before the judges of the Circuit Court of Sangamon County, and, even before the Supreme Court, in our brief (Supp. R. 2, p. 14) as well as in oral argument, this Bar Association, through its counsel, offered to dismiss the suit if the salaried lawyer arrangements were abandoned and a proper recommendation plan substituted. This the union was unwilling to do.

We, too, are interested in seeing that union members obtain "competent and loyal legal counsel" (Pet. p. 14) but we are not convinced that the plan now in effect accomplishes such purpose. On the contrary, the record herein belies such claim. It is axiomatic that not all claims or suits brought before administrative tribunals or courts are correctly decided at the lowest level. For this reason, appellate procedures are an inherent part of our judicial system. The rulings of the Industrial Commission are subject to review in the Circuit Courts of this State, and, from there, to our Supreme Court (Ill. Rev. Stat. 1959, Ch. 48, Sec. 138.19 (1) (2)). The fundamental duty of an attorney involves undiluted loyalty to the client whom he serves and whose interest he protects (Pet. A. 9a, R. p. 14). It follows, without question, that this duty extends to the maximum representation of his individual client's interest. An analysis of the Workmen's Compensation cases which reached the Supreme Court of the State of Illinois for a thirty-year period (1937-1966)

contained in volumes published by the official Reporter, discloses that 332 cases were decided by it. Of this total, 226 thereof were appeals initiated by employers, 84 were pursued by employees. In that number only 11 cases were appealed by the coal mining companies and 10 by the miner. Of this group of 21 cases, only 5 originated involving United Mine Workers, District 12, three of those appeals were filed by the coal mining companies and only two by miners affiliated with the Petitioners herein. It is further significant that the last appeal by a mineworker was in 1948. During the above referred to thirty-year period, the rates of recovery for specific injury were increased several times by statute, the last time being in 1963, before this litigation commenced. Yet the salaried lawyer in the calendar year 1964 recovered less on the average than his predecessor even though he was practicing before the commission when the rates were at a higher level. (R. 7, pp. 35, 36, 43). In the years 1964-66, during the pendency of this litigation, we find there was a substantial increase of appeals to the Supreme Court originating in this Administrative Agency due to the adoption of Illinois' New Judicial Article on January 1, 1964, which simplified and made more expeditious appellate procedures. Eighty (80) cases were taken by appeal to that court, of which sixty-four (64) were advanced by the Employer and sixteen (16) by the employee. Not a single case involving a United Mine Workers, District 12 member, either as petitioner or respondent, reached our highest court in that period. Is this evidence of "competent and loyal legal counsel" so vital to the individual interest of the miner? We cannot believe that this salaried lawyer arrangement has fully advanced legitimate legal claims of the mineworker. On the contrary, when considered with the volume of cases handled by this salaried attorney per year (R. 7, p. 36) we cannot help but feel that, in the interest of expediting his work load, he most likely has dealt with the coal mining com-

pany's lawyers on a claim volume basis (sometimes called "wholesaling files"), and it would seem a logical conclusion that the individual mineworker's injury claim has been compromised at a figure far below what might have been secured if the mining company lawyer was dealing with independent attorneys.

In Illinois, many attorneys are highly competent and successful practitioners before the Industrial Commission of the State of Illinois. There is absolutely no shortage of lawyers who are willing, ready and able to handle Workmen's Compensation cases of the union members. It is **highly significant** that nowhere in this record is there a word of testimony, nor a single affidavit filed by the petitioners that any member of the union, for any reason whatsoever, was unable to find competent, individual attorneys to handle their claims. If such fact were true, most certainly the petitioners would have filled the trial court record with proof thereof, by depositions, or affidavits to this effect, before asking for a summary decree. Only if such circumstances existed in Illinois could our factual situation be considered to parallel the **Button** (371 U. S. 415) case. Without it, their hue and cry of precedence vanishes.

The Workmen's Compensation Act, contrary to the inference fostered by Petitioners, does provide for the awarding of attorney's fees (Ill. Rev. Stats. 1959, Ch. 48, Sec. 16, Res. A. p. 21). All attorney's fees are fixed by the Industrial Commission and are carefully and judiciously controlled. It is common knowledge that the maximum fee which is ever allowed is 20%. However, the Commission rarely approves fees of that size and most fees awarded are substantially less. It should also be brought to your attention that the maximum fee permitted in a death case is 10%. It is apparent, therefor, that petitioners isolated reference to a section of the Act dealing with

liens, attachment or garnishment (Pet. p. 23), cannot be read to contain a prohibition of attorney's fees for professional services rendered.

II. The Illinois Supreme Court decision does not in any way deny the petitioners any constitutionally protected right nor does the State decision conflict with any decision of this court.

When we filed the present suit against the mineworkers in June of 1964, your Court had already handed down the decision in the **Button** (371 U. S. 415, Jan. 14, 1963) case and the **Virginia Brotherhood** (377 U. S. 1, April 20, 1964) case. As lawyers, it behooved us to give careful consideration to the intent and meaning of these decisions because of their possible effect on our present lawsuit. A searching analysis of these cases, while comparing them with the factual situation involving the mineworkers in Illinois, and its purely intrastate character, convinced us, as attorneys, that our present litigation was in no way comparable to these decided matters. On the contrary, upon reviewing these two opinions with our own **Illinois Brotherhood** case, the Bar Association's course of action was considered proper and was warranted. As attorneys, it would be foolhardy and presumptuous on our part to arbitrarily disregard the pronouncement of the highest court of the land for the sole and only purpose of harassing a union. It cannot be considered harassment, when you plead with them to adopt a course of conduct approved by the highest court in the land in the **Virginia Brotherhood** (377 U. S. 1) case.

The prime concern of the Bar Association and its Unauthorized Practice of Law Committee is the **protection of the public.** In this instance, the **public** is the **individual mineworker,** and he does not lose that status merely because he is a member of a large union. The protection

of the public and the assurance of the proper attorney-client relationship is the sole and only purpose for the existence of a state Unauthorized Practice of Law Committee.

Our Illinois Supreme Court carefully considered the effect and the meaning of the pronouncements of your court in the **Button** (371 U. S. 415), and **Virginia Brotherhood** (377 U. S. 1) cases, before reaching its decision as is apparent from the scholarly opinion handed down (Pet. A. pp. 2a-13a).

With respect to the **Virginia Brotherhood** (377 U. S. 1) case, the Illinois Supreme Court analyzed it and found that it did not overturn their prior decision precluding any financial connection between the brotherhood and the counsel selected by it to handle individual membership claims (Pet. A. 11a).

Similarly, the Illinois Court considered the **Button** (371 U. S. 415) case, and rightfully concluded that this litigation involved a form of constitutionally protected **political expression** which cannot be equated with the bodily injury litigation with which we are concerned in this present litigation (Pet. A. 11a).

The Illinois Court then rightfully concluded that the decision entered by the Circuit Court of Sangamon County was not violative of the First Amendment guarantees relating to freedom of association and expression. This State Court decision referred to the recognition in both **Button** (371 U. S. 438-40), and **Virginia Brotherhood** (377 U. S. 8, 10) cases, of the right of individual states to regulate the practice of law and those who unauthorizingly practice it (Pet. A. p. 12a).

The mineworkers throughout the entire course of this litigation have endeavored to place unwarranted significance upon very general statutory language contained in

Section 157 of the Labor Management Act (29 USCA, 157). At most they have only been able to refer to this language as if it had some magic significance. Although this statutory provision has been in effect since 1935, nowhere do we find, in federal case law, a determination that the phrase, so emphasized, embraces the relationship between a union and a salaried attorney representing individual members.

Without attempting to be unduly critical of the reasoning found in the petitioner's brief, we feel constrained to quote in its entirety the paragraph of American Bar Association Professional Ethics Committee Opinion 295 from which the petitioners have abstracted a quotation which appears to be a profound utterance (Pet. p. 24). This paragraph reads as follows:

> "The Canons of Professional Ethics must be adaptable to times in which we live and our committee's interpretations must recognize modern methods and procedures. If, as has been stated many times, we must balance the public interest against the incidental publicity accorded the individual lawyer, we find that the listing of home telephone numbers of lawyers who practice in the classified area is consistent with the professional dignity and good taste. It is our opinion, however, that the home number of any member of the firm should appear under his individual alphabetical listing instead of under the firm name. As previously stated, we believe under the firm name, there should be no indication of what number to call on nights, Sundays and holidays."

It is absurd to equate telephone listings with salaried employment of lawyers.

We do not find any constitutional infringement of the rights of the Illinois Mineworkers in the action taken by the courts of Illinois to regulate and control the practice

of law within its border. The State of Illinois has a "compelling state interest" in controlling the standards of professional conduct. **N. A. A. C. P. v. Button,** 371 U. S. 415, at 438. The Illinois Supreme Court has carefully reviewed the problem of constitutional infringement and has justifiably rejected it. To have decided otherwise would have made a mockery of the power of the Illinois Supreme Court to control the practice of law in this State. Neither the Bar Association's Unauthorized Practice of Law Court nor the Supreme Court is attempting to regulate conduct involving application of a Federal Law, such as the Federal Employers' Liability Act or practice before the United States Patent Office (**Sperry v. State of Florida,** 373 U. S. 379), but the Illinois decision merely limited its curtailment of the Union's conduct to state protected rights only.

CONCLUSION.

For the foregoing reasons, it is respectfully submitted that the Petition for Writ of Certiorari should be denied.

Respectfully submitted,

BERNARD H. BERTRAND,
234 Collinsville Avenue,
East St. Louis, Illinois,
Counsel for Respondents.

APPENDIX.

APPENDIX A.

In re Brotherhood of Railroad Trainmen.

Opinion filed March 20, 1958—Rehearing denied May 23, 1958.

PER CURIAM: A motion was made on behalf of the Brotherhood of Railroad Trainmen for leave to file in this court an original petition for a declaratory judgment. The motion and petition described certain conduct of the Brotherhood and the lawyers who serve as regional counsel for its legal aid department and requested a ruling that the conduct described was neither illegal nor unprofessional. The motion disclosed that disciplinary proceedings were pending against Edward B. Henslee, general counsel for the Brotherhood, and a regional counsel for its legal aid department, and three of his associates, Edward B. Henslee, Jr., Walter N. Murray and Frank H. Monek.

The questions raised by the petition had not heretofore been considered by the court. And because this court both formulates and enforces the standards governing the practice of law (*In re Application of Day*, 181 Ill. 73), we were of the opinion that before a ruling of any kind should be made, an investigation into the practices in question should be conducted. The motion for leave to file was therefore denied, but at the same time the court, on its own motion, appointed the Honorable Charles H. Thompson, a former justice of this court, as special commissioner, "with power to inquire into and take proof of all relevant factual matters and to report the testimony, together with the applicable principles of law, to the Chief Justice."

Thereafter hearings were conducted by the special commissioner. The Brotherhood of Railroad Trainmen, the Illinois State and Chicago Bar associations, and a group of twenty-seven railroad companies participated in the

hearings by their counsel. At the conclusion of the hearings briefs were filed on behalf of these parties and also on behalf of the American Bar Association. The special commissioner's report and the briefs are now before the court.

There is no serious dispute as to the basic facts. In 1930 the Brotherhood established its "Legal Aid Department." It took this step because it felt that under pressure from railroad claim agents, the claims of its members resulting from injuries they suffered in their work were being settled for unfair amounts. Some of the railroads forced settlements by the threat of loss of employment. At the same time, the members were being solicited by lawyers of varying degrees of competence who sought to, and did, handle the claims of members for contingent fees that sometimes ran as high as fifty per cent of the amount recovered.

As it presently operates, the legal aid department of the Brotherhood maintains a central office in Cleveland, Ohio, at the national headquarters of the Brotherhood. In that office it has a staff consisting of a chief clerk, a research analyst, three stenographers and a file clerk. It also has a number of regional investigators. The Cleveland office serves as a clearing house which receives reports from all Brotherhood Lodges of instances in which members have been injured or killed in railroad accidents. It notifies the appropriate regional investigator and regional counsel of all accidents.

Operating in conjunction with the legal aid department are sixteen lawyers, each designated by the Brotherhood as a regional counsel for the legal aid department. The regions tend to follow railroad system lines, rather than geographical lines. For example, Edward B. Henslee, the regional counsel with offices in Chicago, is assigned a region that includes all members employed by railroads in Ohio,

and the members employed by certain railroads in Pennsylvania, Michigan, Indiana and Illinois. The dominant considerations in the selection of regional counsel are the Brotherhood's confidence in the ability of the attorney, plus the prospect of high jury verdicts in the city where his office is located.

By agreement with the Brotherhood the attorneys who are designated as regional counsel charge a fee of twenty-five per cent of the amount recovered in each case, whether recovery is by settlement or by judgment. Regional counsel have also agreed to and do pay all court costs, investigation costs, costs of doctors' examinations, expert witness fees, transcript costs and the cost of printing briefs on appeal. They also pay the total cost of operating the legal aid department of the union. All expenses of the legal aid department are apportioned among the sixteen regional counsel in the ratio that their respective gross fees bear to the total gross recoveries throughout the country. Periodically throughout the year the legal aid department assesses each regional counsel for his proportionate share of the total cost, and at the end of each year each regional counsel is billed for the balance of his assessment. The Brotherhood maintains a practice of apportioning the very high expenses of its conventions among its various "departments" on the basis of the amount of time spent in discussing, on the floor of the convention, the affairs of that department. The legal aid department's share of this cost is assessed against and paid by the regional counsel.

The Brotherhood constitution requires that each local lodge appoint someone whose duty it is to fill out an accident report whenever a member is injured, and also to make contact with the injured man, or the relatives of a man who is killed, and make it known that legal advice will be given free of charge by the regional counsel. He

also makes known the availability of regional counsel to handle the claim and any ensuing litigation for a total charge of twenty-five per cent of the amount recovered by settlement or by litigation. The twenty-five per cent includes all expenses of investigation and litigation.

The lodge member who investigates the occurrence and makes contact with the injured man recommends and urges that regional counsel be consulted and employed. These men carry blank copies of contracts employing the regional counsel's firm as attorneys. The regional investigators employed by the legal aid department also carry these contracts. If a signed contract is not obtained by an investigator in the field, an investigator often brings the interested parties to the office of the regional counsel in Chicago. The injured man may be accompanied by his wife, and if the interested party is a widow, the wife of the investigator also makes the trip. The expenses of these trips are paid immediately by regional counsel. The lodge member who investigates and urges the employment of regional counsel is also compensated by regional counsel at his regular hourly wage rate for time spent in investigating the case and in making the trip to Chicago. These amounts are paid whether or not the regional counsel is retained, and regardless of the ultimate outcome. In addition, Mr. Henslee testified, "There are many times when one of the boys will bring in a case, and taking care of the investigation, etc., they are given a gratuity of $100 or $150."

The Brotherhood defends its practices on legal grounds, and also argues that they are justified by policy considerations. As a matter of law it argues that its method of handling the personal injury and death claims of its members is permissible because under the Railway Labor Act the Brotherhood is authorized to represent its members, before the National Railroad Adjustment Board or other

appropriate tribunals, in the processing of disputes growing out of grievances. (45 U. S. C. 152.) But these injury and death claims are not the kind of labor disputes that the statute contemplates. We find nothing to suggest that Congress intended by the Railway Labor Act, any more than by the Labor Management Relations Act (29 U. S. C. 141), to overthrow State regulation of the legal profession and the unauthorized practice of the law.

The Brotherhood also points to the fact that insurance companies are permitted to take over completely the defense of claims against their policy holders, and suggests that the interest of the members of the Brotherhood in legal developments in Federal Employers' Liability Act cases, and particularly in developments with respect to the amount of damages recoverable in those cases, is sufficiently intimate that it is warranted in taking an active role in the prosecution of these cases. The argument is unsound. The interest of the insurance company is of a different kind. The money involved is its money, and for that reason some States permit an action to be maintained directly against it. And the interest of the Brotherhood in the individual claims of its members does not authorize it to engage in the active solicitation of those claims for particular lawyers who finance the solicitation.

The policy argument that the Brotherhood makes, based upon facts that are peculiar to it and to its members, is more persuasive. Railroading is a hazardous business in the course of which many men are injured, and the injuries are frequently very serious. The members of the Brotherhood include switchmen, who perform the most hazardous part of railroad work. In the past the claim agents of some of the railroads have been aggressive in their efforts to settle the claims of injured trainmen for the smallest amounts possible regardless of fairness and adequacy. And while there is evidence that some rail-

roads are moving away from this policy, there is also evidence that undesirable practices persist. The Brotherhood insists that injured trainmen, and the representatives of deceased trainmen, who are unversed in the law, are entitled to procedures that will insure that they receive competent legal advice for reasonable fees. It points out that any advice or service rendered by the regional counsel relates only to matters arising out of personal injuries incurred during the course of employment.

While these considerations have weight, they are insufficient in our opinion to override the principles that must govern the members of the legal profession in their relations with clients. Several courts have considered, in varying contexts, the activities of the legal aid bureau and its regional counsel. (*Hildebrand* v. *State Bar of California*, 36 Cal. 2d 504, 225 P. 2d 508; *Atchison, Topeka & Santa Fe Railway Co. v. Jackson*, 235 F. 2d (C. C. 10) 390; *In re O'Neill*, 5 F. Supp. (D. C. E. D. N. Y.) 465; *Doughty v. Grills*, 37 Tenn. App. 63, 260 S. W. 2d 379; cf. *Ryan v. Pennsylvania Railroad Co.*, 268 Ill. App. 364.) With the exception of the *Ryan case*, all of them have expressed disapproval. The *Ryan case* was based primarily on the Appellate Court's appraisal of public policy. It did, however, approve practices of the Brotherhood which do not differ in substance from those here involved.

While this matter was pending the General Assembly enacted a statute that expressed a policy contrary to that stated in the *Ryan case*. It provided: "It shall be unlawful for any person not an attorney at law to solicit for money, fee, commission, or other remuneration directly or indirectly in any manner whatsoever, any demand or claim for personal injuries or for death for the purpose of having an action brought thereon, or for the purpose of settling the same." (Ill. Rev. Stat. 1957, chap. 13, par. 15.) As originally introduced the Bill contained the following

provision: "Nothing herein shall be construed to prevent any bona fide labor organization or any member thereof from securing advice for any member of such organization in regard to his rights except that only an attorney may give legal advice." This provision was stricken by amendment in the House, and an attempt to reinstate it was defeated in the Senate.

What has been said would ordinarily be sufficient. The Brotherhood, however, has frankly and openly placed its problem and its own solution of it before the court, and asked for guidance. We think, therefore, that it is appropriate to indicate in broad outline what the Brotherhood may do with respect to the injury and death claims of its members.

The objective of the Brotherhood in seeking to secure competent legal representation of its members can be accomplished without lowering the standards of the legal profession. The Brotherhood has a legitimate interest in investigating the circumstances under which one of its members has been injured. That interest antedates the occurrence of any particular injury. We are of the opinion that the Brotherhood may properly maintain a staff to investigate injuries to its members. It may so conduct those investigations that their results are of maximum value to its members in prosecuting their individual claims, and it may make the reports of those investigations available to the injured man or his survivors. Such investigations can be financed directly and without undue burden by the 218,000 members of the Brotherhood.

The Brotherhood may also make known to its members generally, and to injured members and their survivors in particular, first, the advisability of obtaining legal advice before making a settlement and second, the names of attorneys who, in its opinion, have the capacity to handle such claims successfully. Its employees, however, may not

carry contracts for the employment of any lawyer, or photostats of settlement checks. No financial connection of any kind between the Brotherhood and any lawyer is permissible. No lawyer can properly pay any amount whatsoever to the Brotherhood or any if its departments, officers or members as compensation, reimbursement of expenses or gratuity in connection with the procurement of a case. Nor can the Brotherhood fix the fees to be charged for services to its members. The relationship of the attorney to his client must remain an individual and a personal one.

The course thus outlined, if adopted, will make it possible for the Brotherhood to achieve its legitimate objectives without tearing down the standards of the legal profession. If in the future the claims of its injured members are solicited by lawyers, or if the fees charged by lawyers are excessive, the remedy of the Brotherhood will lie by way of complaint to the grievance committee of the appropriate bar association, rather than by way of a competing system of solicitation.

So far as the disciplinary aspects of the matter are concerned, we are of the opinion that because of the decision of the Appellate Court in *Ryan v. Pennsylvania Railroad Co.*, 268 Ill. App. 364, proceedings looking toward the imposition of discipline should not be pursued. (*In re Luster*, 12 Ill. 2d 25.) For the same reason we are of the opinion that time should be allowed the Brotherhood to reorganize its legal aid department along the lines outlined in this opinion. The standards here stated will therefore become effective on July 1, 1959.

APPENDIX B.

Workmen's Compensation Act.

§ 138.16 Rules and Orders—Depositions—Subpoenas—Hospital Records—Court Reporter—Fees and Charges.

The Commission shall make and publish rules and orders for carrying out the duties imposed upon it by law, which rules and orders shall be deemed prima facie reasonable and valid.

* * * * * * *

The Commission shall have the power to determine the reasonableness and fix the amount of any fee of compensation charged by any person, including attorneys, physicians, surgeons and hospitals, for any service performed in connection with this Act, or for which payment is to be made under this Act or rendered in securing any right under this Act. 1951, July 9, Laws 1951, p. 1060, § 16, as amended 1957, July 11, Laws 1957, p. 2610, § 1; 1959, July 21, Laws 1959, p. 1733, § 1.

138.19 Judicial Review—Certiorari—Scire Facias—Certification of Record by Commission—Cost of Record.

(1) Except in cases of claims against the State of Illinois, in which case the decision of the Commission shall not be subject to judicial review, the Circuit Court of the county where any of the parties defendant may be found, or if none of the parties defendant can be found in this State then the Circuit Court of the county where the accident occurred, shall by writ of certiorari to the Commission have power to review all questions of law and fact presented by such record.

* * * * * * *

Bond—Determination on Certiorari—Review by Supreme Court—Supersedeas and Stay—Majority Rule.

(2)

* * * * * * * *

Judgments and orders of the Circuit Court under this Act shall be reviewed only by the Supreme Court upon the filing of a Notice of Appeal. Such Notice of Appeal shall be filed with the Clerk of the Circuit Court within 30 days after the entry of the order of that Court. The time herein provided for the filing of the Notice of Appeal shall be jurisdictional and shall not be subject to any extension. Except as herein provided, the appeal shall be subject to statute or rules of the Supreme Court.

* * * * * * * *